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September 20, 2005

VIA HAND DELIVERY & U.S. MAIL

John Minan, Esq.
Chairman
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123-4340

Re: Proposed Procedures for Issuance of
Cleanup and Abatement Order No. R9-2005-0126

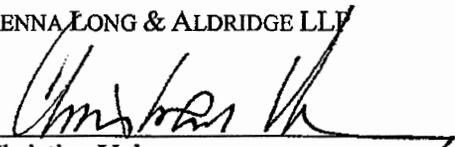
Dear Mr. Minan:

In accordance with the Notice of Pre-Hearing Conference dated August 29, 2005, this letter resubmits the comments of BAE Systems San Diego Ship Repair Inc. (formerly Southwest Marine, Inc.) on the proposed procedures for Cleanup and Abatement Order No. R9-2005-0126 ("proposed procedures"), published for comment by the Regional Water Quality Control Board's staff on July 14, 2005.

BAE Systems generally endorses the comments and objections to the proposed procedures that have been filed by National Steel and Shipbuilding Company ("NASSCO"). BAE Systems agrees with NASSCO that the complexity of the issues, the very significant financial implications for the affected dischargers, and the equally significant precedential effects of a final decision in this matter for future sediment remediation elsewhere in San Diego Harbor and in other California coastal waters mandate the adoption of procedures that fully comply with all constitutional and statutory requirements, including party designation, discovery, cross-examination, opportunity to present evidence, and Regional Board communications and deliberations. The July 14, 2005 proposed procedures do not satisfy these requirements and do not adequately protect the rights of the parties potentially subject to a final Cleanup and Abatement Order. Therefore, the proposed procedures should be modified and expanded as NASSCO's objections suggest.

Respectfully submitted,

MCKENNA LONG & ALDRIDGE LLP

By: 

Christian Volz
Attorneys for BAE Systems
San Diego Ship Repair Inc.

cc: Service List, attached

SF:27189502.1

SEP 20 2005
WATER QUALITY
CONTROL BOARD

1 **PROOF OF SERVICE BY MAIL**

2 **TENTATIVE CLEANUP AND ABATEMENT ORDER NO. R9-2005-0126**
3 **ISSUED BY SAN DIEGO BAY REGIONAL WATER QUALITY CONTROL BOARD**

4 I am a citizen of the United States and employed in the County of San Francisco,
5 California. I am over the age of eighteen years and not a party to the within-entitled action. My
6 business address is 101 California Street, 41st Floor, San Francisco, California 94111. I am
7 readily familiar with this firm's practice for collection and processing of correspondence for
8 mailing with the United States Postal Service. On **September 20, 2005** I placed with this firm at
9 the above address for deposit with the United States Postal Service a true and correct copy of the
10 within document(s):

11 *Letter to John Minan Dated September 20, 2005*
12 *re Proposed Procedures for Issuance of CAO No. R9-2005-0126*

13 in a sealed envelope, postage fully paid, addressed as follows:

14 Mr. Michael Chee
15 National Steel and Shipbuilding Co.
16 Post Office Box 85278
17 San Diego, CA 92186-5278

Mr. Sandor Halvax
BAE Systems San Diego Ship Repair Inc.
Post Office Box 13308
San Diego, CA 92170-3308

17 Mr. David Merk
18 Director of Environmental Services
19 Port of San Diego
20 Post Office Box 120488
21 San Diego, CA 92112

Mr. Brian Gordon
Department of the Navy
Environmental Department N45
Commander Navy Region Southwest
33000 Nixie Way, Building 50, Suite 326
San Diego, CA 92147-5110

20 Mr. Scott Tulloch
21 City of San Diego
22 Metropolitan Wastewater Department
23 9192 Topaz Way
24 San Diego, CA 92123

Mr. Vincent Gonzales
SDG&E Sempra Energy
555 West Fifth Street, Suite 1400
Los Angeles, CA 90013-1011

23 Mr. H. Allen Fernstrom
24 Marine Construction and Design Co.
25 2300 West Commodore Way
26 Seattle, WA 98199

Mr. Christopher J. McNevin
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26 Mr. Roy Thun
27 BP West Coast Products LLC
28 6 Centerpointe Drive
La Palma, CA 90623-1066

Ms. Laura Hunter
San Diego Bay Council
c/o Environmental Health Coalition
1717 Kettner Blvd., No. 100
San Diego, CA 92101

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Mr. David Barker
Shipyard Sediment Site Cleanup Team
San Diego Regional Water Quality
Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **September 20, 2005** at San Francisco, California.



Gina Paronelli

SF:27192407.1